

House of Representatives, April 22, 1998. The Committee on Education reported through REP. STAPLES, 96th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING BACKERS OF CONCESSION PERMITS, COLISEUM PERMITS AND COLISEUM CONCESSION PERMITS, AND LIQUOR LAW INVESTIGATIONS AND ENFORCEMENT ACTIVITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 30-48 of
2 the general statutes, as amended by public act
3 97-66, is repealed and the following is
4 substituted in lieu thereof:
5 (a) No backer or permittee of one permit
6 class shall be a backer or permittee of any other
7 permit class except in the case of any class of
8 airport, railroad, airline and boat permits, and
9 except that: (1) A backer of a hotel or restaurant
10 permit may be a backer of both such classes; (2) a
11 holder or backer of a manufacturer permit for a
12 brew pub, a restaurant permit or a cafe permit may
13 be a holder or backer of any other or all of such
14 classes; (3) a holder or backer of a restaurant
15 permit may be a holder or backer of a bowling
16 establishment permit; (4) a backer of a restaurant
17 permit may be a backer of a coliseum permit or a
18 coliseum concession permit, or both, when such
19 restaurant is within a coliseum; (5) a backer of a
20 hotel permit may be a backer of a coliseum permit

21 or a coliseum concession permit, or both; (6) a
22 backer of a coliseum permit may be a backer of a
23 coliseum concession permit; (7) a backer of a
24 coliseum concession permit may be a backer of a
25 coliseum permit; (8) a backer of a grocery store
26 beer permit may be a backer of a package store
27 permit if such was the case on or before May 1,
28 1996; (9) a backer of a university permit may be a
29 backer of a nonprofit theater permit; (10) subject
30 to the discretion of the department, a backer of a
31 permit provided for in section 30-33b, may be a
32 backer of any other retail on-premise consumption
33 permit, including those permits provided for in
34 section 30-33b; (11) a backer of a nonprofit
35 theater permit may be a holder or backer of a
36 hotel permit; [and] (12) a holder or backer of a
37 restaurant permit may be a holder or backer of a
38 special outing facility permit; AND (13) A BACKER
39 OF A CONCESSION PERMIT MAY BE A BACKER OF A
40 COLISEUM PERMIT OR A COLISEUM CONCESSION PERMIT,
41 OR BOTH. Any person may be a permittee of more
42 than one permit. A person may be a permittee under
43 a permit provided for in section 30-33b and a
44 backer of any other retail on-premise consumption
45 permit, including those permits provided for in
46 section 30-33b. The operator of a racing or jai
47 alai exhibition with pari-mutuel betting licensed
48 by the Gaming Policy Board may be a backer of any
49 permit provided for in section 30-33b. No holder
50 of a manufacturer permit for a brew pub and no
51 spouse or child of such holder may be a holder or
52 backer of more than three restaurant permits or
53 cafe permits.

54 Sec. 2. Section 30-87 of the general statutes
55 is repealed and the following is substituted in
56 lieu thereof:

57 Any person who [, for any purpose,] induces
58 any minor to procure alcoholic liquor from any
59 person permitted to sell [the same] SUCH ALCOHOLIC
60 LIQUOR shall be subject to the penalties
61 prescribed in section 30-113. The provisions of
62 this section shall not apply to (1) the
63 procurement of liquor by a person over age
64 eighteen who is an employee or permit holder under
65 section 30-90a where such procurement is made in
66 the course of such person's employment or
67 business, OR (2) ANY SUCH INDUCEMENT IN
68 FURTHERANCE OF AN OFFICIAL INVESTIGATION OR

69 ENFORCEMENT ACTIVITY CONDUCTED BY A LAW
70 ENFORCEMENT AGENCY. NOTHING IN THIS SECTION SHALL
71 BE CONSTRUED TO PREVENT ANY ACTION FROM BEING
72 TAKEN UNDER SECTION 30-55, AS AMENDED, OR SECTION
73 30-86, OR BOTH, AGAINST ANY PERSON PERMITTED TO
74 SELL ALCOHOLIC LIQUOR WHO HAS SOLD ALCOHOLIC
75 LIQUOR TO A MINOR WHERE SUCH MINOR IS
76 PARTICIPATING IN AN OFFICIAL INVESTIGATION OR
77 ENFORCEMENT ACTIVITY CONDUCTED BY A LAW
78 ENFORCEMENT AGENCY.

79 ED COMMITTEE VOTE: YEA 25 NAY 1 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5444

STATE IMPACT None, see explanation below
MUNICIPAL IMPACT None
STATE AGENCY(S) Department of Consumer Protection

EXPLANATION OF ESTIMATES:

This bill makes several changes to the Liquor Control Act. These changes concern investigations performed by the Department of Consumer Protection and the issuance of liquor permits. The provisions of the bill will not result in additional costs to the state as the department can adopt these changes as part of their current administrative practices.

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OLR BILL ANALYSIS

sHB 5444

AN ACT CONCERNING BACKERS OF CONCESSION PERMITS, COLISEUM PERMITS AND COLISEUM CONCESSION PERMITS, AND LIQUOR LAW INVESTIGATIONS AND ENFORCEMENT ACTIVITY

SUMMARY: This bill changes the Liquor Control Act in two ways. It allows someone to induce a minor to buy liquor as part of an official investigation or enforcement activity conducted by a law enforcement agency. The bill provides that the law against inducing a minor to obtain liquor is not to be construed in a way that would prevent (1) the Department of Consumer Protection (DCP) from suspending or revoking a liquor seller's permit for violating the Liquor Control Act or

(2) criminal prosecution for selling to minors, intoxicated people, and known habitual drunkards.

The bill also allows a concession permit backer to be the backer of a coliseum permit, a coliseum concession permit, or both. By law, a "backer" is someone who owns a liquor business but does not hold the permit to operate it.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Liquor Permits

A concession permit allows the sale of beer and wine for on-premises consumption at a fairground, ball park, amusement park, indoor-outdoor amphitheater, outdoor amphitheater next to an amusement park, public golf course, or sports arena. A coliseum permit allows the sale of all kinds of alcoholic liquor for on-premises consumption in a portion of a coliseum, such as a coliseum club. A coliseum concession permit allows the retail sale of beer in paper cups within the arena, at concession stands, and in adjacent hallways.

Legislative History

The House referred the original bill (File 137) to the Judiciary Committee on April 1. It favorably reported the bill without change on April 7. The House referred the bill to the Education Committee on April 13. The committee favorably reported the bill on April 15 after eliminating the bill's prohibition against DCP issuing a temporary beer or liquor permit for an event on the grounds of a public school.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 16 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 30 Nay 0

Education Committee

Joint Favorable Substitute
Yea 25 Nay 1